

REMARKS

Claims 11, 12, and 14-20 are presented for examination, of which Claims 11, 19, and 20 are in independent form. Claim 13 has been cancelled, without prejudice or disclaimer of the subject matter presented therein. Claims 11, 19, and 20 have been amended to define more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

In the Office Action of March 6, 2008, Claims 11-14 and 18-20 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent Application 2002-0122194 (Kuwata et al.) in view of U.S. Patent 6,330,076 (Imaizumi et al.) further in view of U.S. Patent 6,198,553 (Yamamoto et al.), Claim 15, as being obvious from *Kuwata* in view of *Imaizumi* further in view of *Yamamoto* further in view of U.S. Patent 6,975,437 (Takemoto), and Claims 16 and 17, as being obvious from *Kuwata* in view of *Imaizumi* further in view of *Yamamoto* further in view of U.S. Patent 6,629,107 (Ouchi et al.).

The foregoing rejections were addressed in the remarks section of the Request for Reconsideration filed September 3, 2008, and those remarks are repeated and incorporated by reference herein.

A telephonic interview between the Examiner and the undersigned representative was conducted on October 8, 2008, and independent Claim 11 was discussed. During the interview, the Examiner took the position that, in his view, sRGB data and xRGB data are of the same color space, namely RGB data.

No agreement was reached as to the status of the claims, but the Examiner suggested that Claim 11 be amended to emphasize explicitly that the first and second color

spaces are different from each other. Without conceding the propriety of the outstanding rejections, Claim 11 has been amended along those lines.

For example, as amended, independent Claim 11 recites:

11. An image processing method comprising the steps of:
  - determining whether or not input image data represents an image of a person as a subject of the image;
  - selecting a color space conversion condition from among plural color space conversion conditions, including first and second color space conversion conditions, in accordance with the determination result obtained in said determining step; and
  - performing the color space conversion on the input image data, by using the selected color space conversion condition,
    - wherein a first color space corresponding to the first color space conversion condition is different from a second color space corresponding to the second color space conversion condition, the second color space has a color gamut wider than the first color space,
    - wherein, in a case where it is determined that the input image data represents the image of the person as the subject of the image, the first color space conversion condition is selected, and
    - wherein the number of bits of the image data converted by using the first color space conversion condition is the same as the number of bits of the image data converted by using the second color space conversion condition.

Applicant respectfully submits that whether or not sRGB color space and xRGB color space both can be deemed “RGB color space” in a superficial, terminological sense, the expressible range of sRGB color space is substantively distinguishable from the expressible range of xRGB color space. For example, a manner in which those color spaces differ is evidenced by the paper entitled “A Standard Default Color Space for the Internet - sRGB”, printed from the webpage <http://www.w3.org/Graphics/Color/sRGB>, which discusses sRGB color space and Adobe RGB color space (which is one example of xRGB color space), and also by the known standard defining Adobe RGB color space (see, inter

alia, the introduction portion of the paper entitled “Adobe RGB (1998): Color Image Encoding”. See also the paper entitled “RGB Working Space Information” printed from the following webpage, representing a list of color spaces:

<http://www.brucelindbloom.com/index.html?WorkingSpaceInfo.html>.<sup>1/</sup> Copies of those papers are submitted with the Information Disclosure Statement herewith.

The amendment to Claim 11 makes further clear that the first and second color spaces are different from each other. For example, the second color space has a color gamut wider than the first color space.

Because Claim 11 has been amended as suggested by the Examiner, and because *Kuwata*, *Imaizumi*, and *Yamamoto et al.*, are not believed to recite the recitations of Claim 11 (at least in part for the reasons set forth in the Request For Reconsideration), Claim 11 is believed to be clearly patentable over *Kuwata*, *Imaizumi*, and *Yamamoto et al.*, whether considered separately or in combination.

Independent Claims 19 and 20 are apparatus and computer-readable medium claims, respectively, corresponding to method Claim 11, and are believed to be patentable over the mentioned references for at least the same reasons discussed above in connection with Claim 11.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as

---

<sup>1/</sup> Of course, these examples are merely illustrative in nature, and should not necessarily be construed as limiting to the scope of the claimed invention.

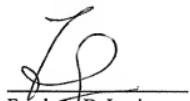
references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from independent Claim 11, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



\_\_\_\_\_  
Frank A. DeLucia  
Attorney for Applicant  
Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCHS\_WS 261289v2